

# Exhibit A



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10/820,616

04/08/2004

Alan F. Savicki

492.408

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06/14/2007

THE CLOROX COMPANY

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OAKLAND, CA 94623-1305

EXAMINER

SMALLEY, JAMES N

ART UNIT

PAPER NUMBER

3781

MAIL DATE

DELIVERY MODE

06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/820,616

Applicant(s)

SAVICKI, ALAN F.

Examiner

James N. Smalley

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-17, 19-23 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-17, 19-23 and 25-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-11, 14-17, 19-23 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherlock US 3,128,005 in view of Cassel US 5,152,416.

Sherlock '005 teaches a thermoformed polymer container with a rim including an inner wall (8) and an externally-threaded skirt (4), and a closure with an inner wall (10) and an internally-threaded skirt (11). The container inner wall (1) appears to be disposed at an angle of between 95-120 degrees with respect to the horizontal, and a tapered container inner wall of between 5-30 degrees. Examiner reads an initial loosely-applied condition as the venting position, and the fully threaded position as the seal-effected first position.

Sherlock '005 fails to teach discontinuous first and second threads on the container or the closure member comprising at least two threads.

Cassel '416 teaches a threaded container with a lid seal, disclosing in column 2, lines 53-54, "The number of thread segments and their angular extend can be selected as desired."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the container and closure member of Sherlock '005, providing a plurality of threads, as taught to be selected as desired by Cassel '416, motivated by the benefit of reducing material usage. Furthermore, Examiner notes it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the threads of Sherlock '005, forming them to an angle of inclination of 5-10 degrees, or to any other optimal sloping angle. It has been held that discovering an optimum value

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of a result-effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

3. Claims 1-4, 6-11, 14-17, 19-23 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, Sr. et al. US 6,170,691 in view of Cassel US 5,152,416.

Morris '691 teaches a thermoplastic container with a rim including an inner wall (56) and an externally-threaded skirt (16), and a closure with an inner wall (38) and an internally-threaded skirt (24). The container inner wall (14) appears to be disposed at an angle of between 95-120 degrees with respect to the horizontal, and a tapered container inner wall (38) of between 5-30 degrees. Examiner reads an initial loosely-applied condition as the venting position, and the fully threaded position as the seal-effected first position.

Morris '691 fails to teach discontinuous first and second threads on the container or the closure member comprising at least two threads.

Cassel '416 teaches a threaded container with a lid seal, disclosing in column 2, lines 53-54, "The number of thread segments and their angular extend can be selected as desired."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the container and closure member of Morris '691, providing a plurality of threads, as taught to be selected as desired by Cassel '416, motivated by the benefit of reducing material usage. Furthermore, Examiner notes it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the threads of Morris '691, forming them to an angle of inclination of 5-10 degrees, or to any other optimal sloping angle. It has been held that discovering an optimum value of a result-effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

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4. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, Sr. et al. US 6,170,691 in view of Cassel US 5,152,416 as applied above to claim 1, and further in view of Russell et al. US 6,123,212.

Morris '691 does not teach tactile indication of a second position in order to vent pressure from the container. However, the reference does acknowledge the container may contain high pressures. It would thus be desirable to provide a venting feature in order to vent pressure during removal of the container.

Russell '212 teaches threading for a plastic container closure cap, comprising interlocking beads (40) and guide channels (G) on the container neck for stopping the removal of the cap at an intermediate venting stage. The connection appears to be capable of occurring in the closure applying direction as well.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the threads of the closure and container of Morris '691, providing the threaded configuration taught by Russell '212, including the projection (40) and vent grooves (G) on the container neck, motivated by the benefit of providing means to vent pressure from the container before removal.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

However, with regard to arguments made challenging the validity of the obviousness rejection made in view of Russell '212, Examiner notes Morris '691 specifically teaches the container may contain pressure. It is the Examiner's position that one of ordinary skill in the art would be motivated to provide a venting mechanism in order to prevent blow-off, such as that taught by Russell '212.

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**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

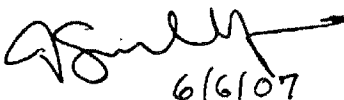
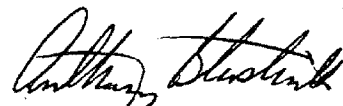
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N. Smalley whose telephone number is (571) 272-4547. The examiner can normally be reached on Monday - Friday 10 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jns

  
6/6/07  
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